

March 14, 2018

Alaska State Legislature State Capitol
Juneau, AK 99801

Re: CSHB217, Raw Milk Sales; Food Exempt from Regulations

Dear Legislators,

I am providing comments on House Bill 217. I was Governing Board member of the Alaska Food Policy Council, until August 2013 and share the perspective that Alaska must take steps to promote actions to improve its food security. Unfortunately, my business responsibilities serving as Program Director for Association of Food Drug Officials and work for Louisiana State University, National Center Biomedical Research and Training and University of Tennessee Knoxville, Center for Agriculture and Food Security and Preparedness, at the time required me to limit my volunteer activities. I believe the policies related to civil liability for farm touring, state and municipal procurement preferences, and Department of Natural Resources management of the "Alaska Grown" Trademark may have a positive impact of development of a sustainable food system. The proposed changes to the AFD&CA, however override the benefits of the other policy components of the bill.

There are fundamental flaws in the proposed Section 5 amendments to the Alaska Food, Drug, and Cosmetic Act (AFD&CA). Key food safety provisions related to adulteration, misbranding, emergency permit control, enforcement authority, and enforcement will not apply. These flaws need to be addressed in order to protect public health, assure public safety and confidence in Alaska agriculture and food security, and prevent unintended impacts to Alaska's seafood and shellfish industry. AFDC&A economic provisions related to frozen products and misbranding do continue to apply. Yes, problems can occur. Public health needs as well as economic adulteration needs to be recognized. While the Department of Environmental Conservation will have authority to investigate it will have no authority to require corrective action. There is no recognition of the impact that the amendments will have on the Department of Health and Social Services (or fiscal note), which has authority and responsibility for investigating illnesses which result for the sale of adulterated food.

Potential consequences include the sale of potentially hazardous foods. For example, smoked fish and fermented fish products, which may cause botulism, salmonellosis, and listeriosis. Shellfish could be sold from unapproved waters and without testing for toxins which cause paralytic shellfish poisoning, putting public health and Alaska's membership in the National Shellfish Sanitation Program at risk. Quick perusal of Section of Epidemiology Epi Bulletins show that a high incidence of foodborne illness associated, particularly seafood and shellfish, that is not from commercial sources. Without regulation anything can happen. Alaska needs to heed the lessons the Chinese learned.

Alaska should also carefully consider how food can be sold through internet sales in Alaska. Potentially hazardous foods, that are not shipped properly pose a risk to public health and safety. As an example, consuming smoked fish that must be kept under temperature control as a preventive control, can result in botulism.

One of the documents entered in the bills record in February 2017, **Building Food Security in Alaska, July 28, 2014 which was prepared for the Alaska Department of Health and Social Services** , http://www.akleg.gov/basis/get_documents.asp?session=30&docid=39536, includes the following recommendation:

Page 7 – Section G:

1. G. Expand food processing and manufacturing for in-state markets:

By working in collaboration with farmers, chefs, and other food system stakeholders, Department of Environmental Conservation (DEC) should expand the review of state food safety regulations with a mission of enabling as much local food production and processing as can safely be created. This would extend work previously accomplished through the Cottage Foods program. Revised regulations should be simplified, scaled appropriately for small and mid-size growers so they do not serve as impediments to earning a living as a farmer raising safe foods, and should be kept low-cost.

I recommend that Alaska follow the author's recommendation, if it is determined changes in the Cottage Food Program are necessary. There are good national resources such as the Regulatory Guidance for Best Practices: Cottage Foods, April 2012, published by the Association of Food and Drug Officials which can be consulted. The document was prepared with the participation of numerous food safety experts from State Agriculture Departments.

http://www.afdo.org/Resources/Documents/pubs/Cottage_Foods_013.pdf. The contents contain provisions that are based upon food science.

Sincerely,

Ron Klein

Attachment:

AFDO Regulatory Guidance for Best Practices: Cottage Foods